

### REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

#### Claim Status/Amendments.

Claim 15 has been cancelled and claims 16-19 have been amended to depend from claim 1 and to exhibit proper antecedent basis for the terminology used therein. Therefore, Claims 1-5, 7-9 and 11-14, and 16-19 remain pending in the application.

#### Claim Objections

Claims 16 – 19 have been amended in a manner which obviates the objections which have been noted in this Office Action.

#### Claim Rejections- 35 USC § 103

The rejection of claims 1-5, 7-9, and 11-13 under 35 USC 103(a) as being unpatentable over Tada et al. (US Patent 2002/0109674) in view of Lilenfeld (US Patent 6,680,728), is respectfully traversed.

Applicant submits that the ground of rejection under 35 USC § 103, is "a posteriori" combination. The device disclosed in Lilenfeld does not relate to a trackball. Lilenfeld disclose a mouse for a computer, not a trackball. The person of ordinary skill in the art has no reason to combine these two documents (Tada and Lilenfeld).

Indeed, Lilenfeld has no maintenance means. In Lilenfeld, there is no window between the different movable parts 12, 14, 16 and the ergonomic work surface. If an operator wishes to perform maintenance - for example remove dirt parts placed between the ergonomic work surface and the different movable parts, he must remove the ergonomic part. There is a very small clearance between movable parts and the ergonomic part. The only combination possible between these two documents is to add an ergonomic part (as disclosed in Lilenfeld) on the trackball disclosed in Tada until to obtain a small clearance between the ball 2 of Tada and the ergonomic part of Lilenfeld. In this way no access to maintenance means of the trackball is possible without removing the ergonomic part.

The rejection of the pending claims is traversed for at least this reasons set forth above.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
**Date: October 29, 2008**  
**KMB/KT/cac**